

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

Chapter 13 No. 13-59870

Michael J Orta and
Autumn A. Anderson

Debtors.

Hon. Marci B. McIvor

OBJECTIONS TO CONFIRMATION

NOW COMES Flagstar Bank, FSB, by and through their attorneys, Trott & Trott, P.C., and hereby Objects to Confirmation as follows:

1. That Creditor is a holder of a mortgage on real property owned by the debtor(s) and located at 527 Emerald Glen Dr, Manchester, MI 48158-8777;
2. That the mortgage is in material default pursuant to Creditor's records;
3. That the Debtor's Plan of Reorganization proposes to pay Creditor a regular monthly payment of \$1,211.00 and a pre-petition arrearage of \$20,609.45 at the rate of \$343.49 per month with 0% interest over 60 months;
4. That according to Creditor's records, Creditor must receive the regular monthly payment of \$1,206.21 plus a pre-petition arrearage of approximately \$28,182.49 at the rate of at least \$782.85 per month in order for the arrearage to be cured within a reasonable length of time, i.e., 36 months;
5. Effective November 1, 2013, the new monthly mortgage payment amount will be \$1,242.30.
6. That the Debtor's proposed Plan of Reorganization understates the pre-petition arrearage and the monthly payment on the pre-petition arrearage;
7. That the Debtor's Plan of Reorganization proposes an unreasonable length of time to cure the pre-petition arrearage, i.e., 60 months;
8. That the debtor's proposed Plan of Reorganization is underfunded;

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9. That the Debtor's proposed Chapter 13 Plan provides that the Chapter 13 Trustee hold from distribution \$5,000.00 for payment of attorney fees and costs, however, if all scheduled plan payments are remitted timely, only \$3478.22 will be available for first disbursement by the Trustee;

10. Even if the Debtor is 100% paid into his plan, under the debtor's proposed payment schedule not even a partial payment will be available to Creditors until approximately 3 months after confirmation and 7 months after this case was filed;

11. That it will take approximately 20 months post confirmation for this Creditor to be post-petition current based on the Debtor's proposed plan, which creditor asserts is unreasonable and is in contravention of 11 USC §1322(b)(5) which requires that payments be maintained while curing the default;

12. That Debtor is impermissibly attempting to excuse a plan payment due to Debtor husband's job change in June 2013;

13. That Debtor is attempting to fund the plan with pro-rated tax refunds, which are not a reliable source of income

WHEREFORE, Creditor prays that Confirmation be denied.

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Dated: December 30, 2013

Respectfully Submitted,
Trott & Trott, P.C.



/S/ Melissa Byrd (P66314)
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